

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BENJAMIN CAULTON,

Petitioner,

v.

CASE NO. 04-CV-74814-DT  
HONORABLE GEORGE CARAM STEEH

WILLIE SMITH,

Respondent.

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**ORDER GRANTING PETITIONER'S MOTION  
FOR LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL  
AND DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL**

Petitioner has appealed the Court's opinion and judgment denying his habeas corpus petition. Currently pending are Petitioner's motions for appointment of counsel and for leave to proceed *in forma pauperis* on appeal.

The Court has already denied Petitioner's motion for a certificate of appealability. Because the issues presented on appeal are not adequate to deserve encouragement to proceed further, *Miller-el v. Cockrell*, 537 U.S. 322, 327 (2003), the motion for appointment of counsel [dkt. #39, May 2, 2007] is DENIED.

Petitioner may proceed *in forma pauperis* on appeal without further authorization because he was granted *in forma pauperis* in the District Court. Fed. R. App. P. 24(a)(3). Accordingly, the motion to proceed *in forma pauperis* [dkt. #38, May 2, 2007] is GRANTED.

Dated: May 16, 2007

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
May 16, 2007, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Deputy Clerk